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MEMORANDUM FOR THE RECORD

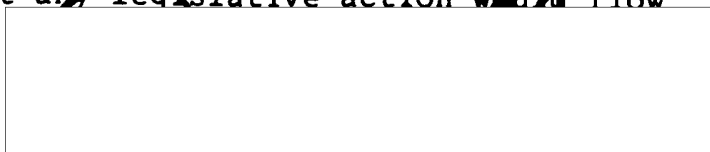
SUBJECT: HFAC's Hearings on Terrorism and the War Powers Act

1. On 29 April and 1 May 1986, the Subcommittee on Arms Control, International Security and Science of the House Committee on Foreign Affairs held hearings on the subject of "Terrorism and the War Powers Act".
2. On 29 April, the witnesses were Abraham D. Sofaer, Legal Advisor, Department of State (statement attached) and J. Brian Atwood, Director, National Democratic Institute.
3. On 1 May, the witnesses were Archibold Cox, Chairman, Common Cause (statement attached), and W. Taylor Reveley III, Attorney, Hinton & Williams.
4. Issues directly affecting intelligence matters were not directly raised or addressed. The bulk of the hearings concerned discussions about the wisdom and constitutionality of the War Powers Act and its applicability to the use of military force in "terrorist situations", including the recent raid of Libya.
5. The second day's hearings were attended by Chairman Fascell, and Representatives Hyde, Solarz, Levine, and Berman. The two witnesses strongly supported the Act. Questions revolved around how it could be strengthened. There were, however, no proposals to amend the Act. Instead, the proposals focused around Congressional "housekeeping" resolutions to create a joint committee to act as the sole Congressional body with which the Executive would consult under the act. There was discussion about such a committee and its composition. There seemed to be a tentative consensus it should include: the majority and minority leaders of both houses; the Speaker of the House; and, the chairmen and ranking minority members from the foreign affairs, armed services and intelligence committees of both houses. All agreed committee staff should be small. All agreed, however, it would be difficult to obtain Congressional agreement on formation of such a committee.

6. The Dole/Denton legislation exempting terrorism from the War Powers Act (with its counterpart in the House) was discussed but did not seem to be very favorably received.

7. It was not clear that any legislative action would flow from the hearing.

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